

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC.,
DONALD B. RICHARDSON, AND
BARBARA A. RICHARDSON,

Plaintiffs,

v.

NEXTGEAR CAPITAL, INC.,
as successor-in-interest to
DEALER SERVICES CORPORATION,
and LOUISIANA'S FIRST CHOICE
AUTO AUCTION, L.L.C.,

Defendants.

CIVIL

ACTION NO. : 1:14-cv-01589-TWP-DKL

MOTION FOR RELIEF FROM ORDER
GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT

Now into Court, through undersigned counsel, come Plaintiffs, Red Barn Motors, Inc., Donald B. Richardson, and Barbara A. Richardson, who, pursuant to Fed. R. Civ. P. 60, file this motion seeking relief from this Court's October 14th order granting their previously-filed *Motion for Leave to File Amended Complaint* and state as follows:

1.

Plaintiffs filed suit in the captioned matter on December 3, 2013, against Defendants.

2.

While this matter was still pending in the Middle District of Louisiana, Plaintiffs moved for leave to amend their complaint, on May 12, 2014, to add additional claims against Defendants for violation of the Racketeer Influenced and Corrupt Organizations Act.

3.

Subsequently, this Court considered and granted Plaintiff's motion for leave on October 14, 2015, and ordered them to file an amended complaint incorporating the additional claims against Defendants.

4.

However, Plaintiffs desire to not amend their complaint at this time and to forego the additional civil RICO claims against Defendants.

5.

Under Fed. R. Civ. P. 60(b)(6), this Court may relieve a party from an order for any reason that justifies relief.

6.

As their motion for leave has been granted, Plaintiffs move this court to relieve them of the October 14th order pursuant to Fed. R. Civ. P. 60(b)(6).

Wherefore, Plaintiffs, Red Barn Motors, Inc., Donald B. Richardson, and Barbara A. Richardson, pray this Court, pursuant to Fed. R. Civ. P. 60, grant this motion and relieve them from this Court's October 14th order granting their previously-filed *Motion for Leave to File Amended Complaint*.

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Respectfully submitted,

CASSIE FELDER & ASSOCIATES, L.L.C.

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CERTIFICATE OF SERVICE

I do hereby certify that I have on the 4th day of November, 2015, served a copy of the foregoing *Motion for Relief from Order Granting Motion for Leave to Amend Complaint* on all counsel of record via electronic service by the court's CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

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Joshua P. Melder

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ORDER GRANTING MOTION FOR RELIEF
FROM ORDER GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT

Considering the foregoing *Motion for Relief from Order Granting Motion for Leave to Amend Complaint*:

IT IS ORDERED, that the *Motion for Relief from Order Granting Motion for Leave to Amend Complaint* is **GRANTED** and the Plaintiffs are relieved from this Court's October 14, 2015, order granting leave and requiring the Plaintiffs to file an amended complaint.

Indianapolis, Indiana this _____ day of _____, 2015.

HON. DENISE K. LARUE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

Please send notice to all registered counsel by CM/ECF.